

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ALACRITECH INC.,

*Plaintiff,*

v.

CENTURYLINK, INC. *et al*,

*Defendants.*

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CIVIL ACTION NO. 2:16-CV-00693-RWS-RSP  
(LEAD CASE)

**ORDER**

Before the Court is the Joint Stipulation of Dismissal filed by Plaintiff Alacritech Inc. and Intervenor Cavium, LLC. (**Dkt. No. 846.**) In the Stipulation, the parties represent that claims and counterclaims have been resolved between the indicated parties. (*Id.* at 1.) The parties request dismissal WITH prejudice of the claims and counterclaims between Alacritech and Cavium in member cases 2:16-cv-00692 and 2:16-cv-00695. (*Id.* at 1.)

Additionally, the parties represent that all claims brought by Alacritech against Wistron Corp., SMS Infocomm Corp, and Wiwynn Corp. (collectively, “Wistron”) for products that are or incorporate products from Cavium or its affiliates have been resolved, and request dismissal WITH prejudice for these claims in member case 2:16-cv-00692. (*Id.*)

Finally, the parties represent that all claims brought by Alacritech against Dell Inc. for products that are or incorporate products from Cavium or its Affiliates have been resolved and request dismissal WITH prejudice for these claims in member case 2:16-cv-00695. (*Id.* at 2.)

Having considered the Stipulation, the Court **ACCEPTS AND ACKNOWLEDGES** that all claims and causes of action asserted between Alacritech and Cavium, including claims

involving Cavium products against Wistron and Dell, in member cases 2:16-cv-00692, 2:16-cv-00695 are **DISMISSED WITH PREJUDICE**.

Each party is to bear its own costs, expenses, and attorneys' fees. In light of this Order, and the joint notice filed by the parties, Dkt. Nos. 609, 636, 637 & 639 are **DENIED AS MOOT**. All other pending requests for relief between Cavium, Alacritech, and Wistron in the above-captioned case not explicitly granted herein are **DENIED AS MOOT**.

The Clerk of Court is directed to **MAINTAIN AS OPEN** the above-captioned case and member cases 2:16-cv-00692, 2:16-cv-00695.

**SIGNED this 13th day of October, 2023.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE